72 Apr 23 argued — Hilchcock for U.S.
Chapman for G.H. Miller only
72 Apr 29 — a. Clifford

TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES

No. ~~415.~~ 204

THE UNITED STATES, APPELLANTS,

vs.

GEO. H. MILLER.

APPEAL FROM THE COURT OF CLAIMS.

FILED DECEMBER 17, 1870.

SUPREME COURT OF THE UNITED STATES.

No. 415.

THE UNITED STATES, APPELLANTS.

vs.

GEO. H. MILLER.

APPEAL FROM THE COURT OF CLAIMS.

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1 In the Court of Claims.

GEORGE H. MILLER
vs.
THE UNITED STATES. } No. 3651.

To the honorable the judges of the Court of Claims:

The petition of George H. Miller, of the city of Washington, & District of Columbia, respectfully represents that your petitioner is now and has been since the 1st day of January, A. D. 1862, a clerk and employé in the office of the Capitol Extension, and assigned to duty as foreman of construction; that he is now and has been since the date first mentioned, receiving a salary of eighteen hundred dollars per annum from the Government for his services in said capacity. Your petitioner further avers that he was, at the time first mentioned, and is now, in the civil service of the United States at said city, and comes within, and was intended to be brought within, the meaning of a joint resolution of the Congress of the United States, approved February 28th, 1867, giving additional compensation to certain employés in the civil service of the United States, found
2 in Statutes at Large, page ; and your petitioner avers that, by virtue of the provisions of said joint resolution, he became and is entitled to receive from the United States, twenty per centum on his said salary for one year from and after the 30th day of June, 1866; but he says that, upon presenting his claim to said amount at the proper department, he was denied payment, and he has ever since been refused payment by said department of all or any part of said sum. He therefore prays judgment of this honorable court for twenty per cent. upon his said salary for one year, date after the 30th day of June, 1866, to wit, the sum of three hundred and sixty dollars.

Your petitioner avers that he has at all times borne true allegiance to the Government of the United States, and has not in any way voluntarily aided, abetted, or given encouragement to rebellion against it.

CHIPMAN & HOSMER,
Attorneys for Petitioner.

3 CITY AND COUNTY OF WASHINGTON,
District of Columbia, ss:

On the 12th day of October, 1868, personally appeared before me, George H. Miller, the petitioner, in the foregoing petition, and, being duly sworn, on oath deposeth and says that he is the sole owner of the claim in said petition stated; that he has never made any assignment or transfer of the same, or any part thereof, or interest therein, and that he is justly entitled to the amount therein stated, after allowing all just offsets; and that he believes the facts stated in his petition are true.

GEO. H. MILLER.

Witness my hand and seal this 12th day of October, 1868.

JOHN S. HOLLINGSHEAD,
A Commissioner of the United States Court of Claims.

(Indorsed:) 3651. George H. Miller vs. The United States. Petition. Filed Oct. 23rd, 1868. Chipman & Hosmer, att'ys.

4 In the United States Court of Claims, December term, A. D. 1868.

GEORGE H. MILLER
vs.
THE UNITED STATES. } No. 3651.

And the said defendants, by their Attorney General, come and make answer to the petition of the claimant herein; and, not confessing the same, or any part thereof, deny each and every the allegations therein contained, and call for strict proof of the same.

And as to so much of the said petition as sets forth and avers that the said United States are indebted to the said claimant in the sum of three hundred and sixty dollars, the said defendants say that they are not indebted to the said claimant in the said sum of money, nor any part thereof.

And as to so much of the said petition as avers that the said claimant has at all times borne true faith and allegiance to the Government of the United States, and never voluntarily aided, abetted, or given encouragement to rebellion against the said Government, the said defendants deny the said allegation.

T. LYLE DICKEY,
Assistant Attorney General.

Filed Jan'y 11, 1869.

5 In the Court of Claims.

GEORGE H. MILLER
vs.
THE UNITED STATES. } 3651.

And now, to wit, 23d of May, A. D. 1870, the court, upon due consideration of the premises, find in favor of the claimant, and do order, adjudge, and decree that the said George H. Miller, claimant, have and recover of and from the United States, the sum of three hundred and sixty dollars, no cents. ($360 00.)

By the court.
A true copy of record.

6 In the Court of Claims. Dec. term, 1869.

GEORGE H. MILLER
vs.
THE UNITED STATES. } 3651.

The defendants, by their Attorney General, come and ask the court for the allowance of an appeal of this case to the Supreme Court of the United States on the ground that the judgment will affect a class of cases.

THOMAS H. TALBOT,
Ass't Att'y General.

Filed in clerk's office, Aug. 17, 1870.

AT CHAMBERS.

Ordered, That the appeal, as prayed in this case, be allowed.
Sept. 26, 1870.

JOSEPH CASEY,
Ch. Justice.

7 In the Court of Claims of the U. S. December term, 18 .

I, Edward G. Loring, presiding judge of the Court of Claims, do hereby certify that the judgment rendered in the case of George H. Miller vs. The United States, on the 23d day of May, 1870, affects a class of cases and furnishes a precedent for the future action of an executive department in the adjustment of such class of cases.

EDW'D G. LORING.

8 In the Court of Claims.

GEORGE H. MILLER
versus
THE UNITED STATES. } No. 3651.

This was an action brought to recover twenty per cent. upon claimant's salary from June 30, 1866, to June 30, 1867, under the joint resolution of Congress, approved Feb'y 28, 1867.

And the court find the facts to be—

1. Claimant was appointed foreman of carpenters by the Secretary of the Interior Department, March 1, 1866, at a salary of $1,800 per annum, and was in the service of the United States, in connection with the Capitol Extension, at Washington, D. C., continuously from June 30, 1866, to June 30, 1867, inclusive, at said salary.

2. Claimant was paid monthly, as in the case of other salaried officers. He received materials for the work upon the Capitol building; made up daily reports; had charge of workmen and performed such duties as were assigned him by the Architect of the Capitol Extension, and was paid out of the said fund as the Architect of the Capitol Extension, clerks, and others connected with said work, viz,

9 the appropriation for the Capitol Extension.

3. The gross compensation paid to claimant from June 30, 1866, to June 30, 1867, was $1,800, on which 20 % claimed is $360.

We agree to the foregoing findings.

CHIPMAN, *for Claimant.*
A. JOHNSTON, *for Def'ts.*

Allowed—
C. C. N.

(Indorsed:) 3651. Geo. H. Miller vs. The United States. Facts. Filed by Judge Nott, Dec. 1, 1870.

10 In the Court of Claims.

GEORGE H. MILLER
vs.
THE UNITED STATES. } No. 3651.

I, John Randolph, assistant clerk of the Court of Claims, do hereby

certify that the foregoing are true transcripts of the pleadings in the above-entitled cause, and the final judgment of the court thereon; of the application of the Attorney General for defendants for the allowance of an appeal, as filed in the clerk's office, August 17, 1870, and of the order of Chief Justice Casey allowing the same; of the certificate of the presiding judge; of the findings of fact on which the court founded its judgment.

In testimony whereof I have hereunto set my hand and affixed the seal of said court at Washington, this 17th day of December, 1870.

[SEAL.] JOHN RANDOLPH,
Ass't Clerk Court of Claims.

(Indorsement on cover:) No. 415. The United States, appellants, vs. George H. Miller. Court of Claims. Filed 17th December, 1870.